

ASSEMBLY BILL

No. 267

Introduced by Assembly Member Daucher

February 8, 2005

An act to amend Section 14529.17 of the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 267, as introduced, Daucher. Transportation projects.

Existing law authorizes a regional or local entity that is the sponsor of, or is eligible to receive funding for, a project contained in the state transportation improvement program to expend its own funds for any component of a project within its jurisdiction that is included in an adopted state transportation improvement program, and for which the commission has not made an allocation. Existing law requires these expenditures to be reimbursed by the state, under specified conditions. Existing law limits these provisions to projects advanced for expenditures by an eligible local or regional entity within the 12 months preceding the date the project would otherwise be allocated funding by the commission.

This bill would instead limit these provisions to projects advanced for expenditure by an eligible local or regional entity within the 36 months preceding the date the project would otherwise be allocated funding by the commission, and would make this provision retroactive to include expenditures after July 1, 2004.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 14529.17 of the Government Code is amended to read:

14529.17. (a) A regional or local entity that is the sponsor of, or is eligible to receive funding for, a project contained in the state transportation improvement program may expend its own funds for any component of a transportation project within its jurisdiction that is included in an adopted state transportation improvement program and for which the commission has not made an allocation.

(b) The amount expended under subdivision (a) shall be reimbursed by the state, subject to annual appropriation by the Legislature, if all of the following conditions are met:

(1) The commission makes an allocation for, and the department executes an agreement to transfer funds for, the project.

(2) Expenditures made by the regional or local entity are eligible for reimbursement in accordance with state and federal laws and procedures. In the event expenditures made by the regional or local entity are determined to be ineligible, the state has no obligation to reimburse those expenditures.

(3) The regional or local entity complies with all legal requirements for the project, including, but not limited to, authorization by the federal government, if required, Section 14520.3, and the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(c) Upon the execution of an agreement with the department to transfer reimbursement funds for a project described in subdivision (a), the commission may delay reimbursement pursuant to this section only if programming or cash-management issues prevent immediate repayment.

(d) This section shall be limited to projects advanced for expenditure by an eligible local or regional entity within the 36 months preceding the date the project would otherwise be allocated funding by the commission, *and the amendment to this subdivision in the 2005-06 Regular Session shall be retroactive to include expenditures after July 1, 2004.*

1 (e) Unless otherwise agreed in advance by the commission and
2 the department, the funds appropriated for the purposes of
3 reimbursement under this section shall be federal funds and state
4 matching funds.

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